

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

ROLANDO JESSE DAZA-CORTEZ,
Defendant-Petitioner,

v.

UNITED STATES OF AMERICA,
Plaintiff-Respondent.

NO. C18-1608RAJ
(CR15-269RAJ)

UNITED STATES' ANSWER TO
AMENDED PETITION FILED
UNDER 28 U.S.C. § 2255
("PETITIONER'S RESPONSE TO
GOVERNMENT'S RESPONSE")

Exhibit 21

Email between Prior Counsel Emily Gause and AUSAs Andy Colasurdo and Sarah Vogel

March 13, 2017

Emily Gause

From: emily@emilygauselaw.com
Sent: Monday, March 13, 2017 4:51 PM
To: 'Vogel, Sarah (USAFAW)'
Cc: 'Colasurdo, Andy (USAFAW)'; 'Wolgamuth, Karen (USAFAW)'
Subject: RE: Roland Daza-Cortez

Well we got it done. Sarah, thank you for such speedy communication today to get this done. Thank you also for alerting me when my client got to the courthouse to expedite things. I appreciate those things. Take care.

From: Vogel, Sarah (USAFAW) [mailto:Sarah.Vogel@usdoj.gov]
Sent: Monday, March 13, 2017 1:43 PM
To: emily@emilygauselaw.com
Cc: Colasurdo, Andy (USAFAW) <Andy.Colasurdo@usdoj.gov>; Wolgamuth, Karen (USAFAW) <Karen.Wolgamuth@usdoj.gov>
Subject: RE: Roland Daza-Cortez

Your client is here at the Courthouse now.

From: emily@emilygauselaw.com [mailto:emily@emilygauselaw.com]
Sent: Monday, March 13, 2017 12:14 PM
To: Vogel, Sarah (USAFAW) <SVogel@usa.doj.gov>
Cc: Colasurdo, Andy (USAFAW) <AColasurdo@usa.doj.gov>; Wolgamuth, Karen (USAFAW) <KWolgamuth@usa.doj.gov>
Subject: RE: Roland Daza-Cortez

Yes. I can be there.

From: Vogel, Sarah (USAFAW) [mailto:Sarah.Vogel@usdoj.gov]
Sent: Monday, March 13, 2017 11:59 AM
To: Emily M. Gause <emily@emilygauselaw.com>
Cc: Colasurdo, Andy (USAFAW) <Andy.Colasurdo@usdoj.gov>; Wolgamuth, Karen (USAFAW) <Karen.Wolgamuth@usdoj.gov>
Subject: RE: Roland Daza-Cortez

We might be able to get on at 2:30 before MJ Theiler. If we can get it set up, can you be here?

From: Emily M. Gause [mailto:emily@emilygauselaw.com]
Sent: Monday, March 13, 2017 11:51 AM
To: Vogel, Sarah (USAFAW) <SVogel@usa.doj.gov>
Cc: Colasurdo, Andy (USAFAW) <AColasurdo@usa.doj.gov>; Wolgamuth, Karen (USAFAW) <KWolgamuth@usa.doj.gov>
Subject: Re: Roland Daza-Cortez

It's a go. Just left message for Juanita.

Sent from my iPhone

On Mar 13, 2017, at 11:33 AM, Vogel, Sarah (USAWAW) <Sarah.Vogel@usdoj.gov> wrote:

If your client wants the deal we are approved to offer today only (10 to 11 years), YOU need to call the court and tell them he is going to plead and try to get that set up. The Court wants to hear from you personally.

From: Emily M. Gause [<mailto:emily@emilygauselaw.com>]
Sent: Monday, March 13, 2017 11:25 AM
To: Vogel, Sarah (USAWAW) <SVogel@usa.doj.gov>
Cc: Colasurdo, Andy (USAWAW) <AColasurdo@usa.doj.gov>; Wolgamuth, Karen (USAWAW) <KWolgamuth@usa.doj.gov>
Subject: Re: Roland Daza-Cortez

I'm in court at the RJC tomorrow at 1:30. Today's the day to make it happen. Can you make it happen? You do have the power to choose to give him 10 years and not penalize him for my schedule -- he has accepted that offer. We can get this done and over today. Or drag it out a few more days to everyone's detriment. Or this could fall apart completely and he could be back to wanting a trial.

Sent from my iPhone

On Mar 13, 2017, at 11:01 AM, Vogel, Sarah (USAWAW) <Sarah.Vogel@usdoj.gov> wrote:

Without you telling the Court your client is definitely going to plead, we could not get him here today. The earliest we could get him here and before a judge is tomorrow at 1:30. You might be able to get it done today if you talk to them, since they will not make a special trip based on our "it might happen" representation. If you want to try, you should talk to Juanita in Judge Jones' chambers. 370-8872.

From: Emily M. Gause [<mailto:emily@emilygauselaw.com>]
Sent: Monday, March 13, 2017 10:55 AM
To: Vogel, Sarah (USAWAW) <SVogel@usa.doj.gov>
Cc: Colasurdo, Andy (USAWAW) <AColasurdo@usa.doj.gov>; Wolgamuth, Karen (USAWAW) <KWolgamuth@usa.doj.gov>
Subject: Re: Roland Daza-Cortez

Can we get on a plea calendar today?

Sent from my iPhone

On Mar 13, 2017, at 10:43 AM, Vogel, Sarah (USAWAW) <Sarah.Vogel@usdoj.gov> wrote:

Emily,

We were very clear that the ten year deal would not be available on Monday. I specifically told you that if the plea did not happen until Monday, it would be ten to twelve. As it happens, Tessa has approved ten to eleven for today only. Tomorrow will likely be higher.

Here is the plea agreement. Syv

Sarah Y. Vogel
AUSA – WDWA
206-553-2074 – ofc
206-553-4440 – fax

From: emily@emilygauselaw.com [<mailto:emily@emilygauselaw.com>]
Sent: Monday, March 13, 2017 9:54 AM
To: Vogel, Sarah (USAWAW) <SVogel@usa.doj.gov>; Colasurdo, Andy (USAWAW) <AColasurdo@usa.doj.gov>
Subject: RE: Roland Daza-Cortez

The deal that my client specifically accepted, after much effort on my part and his family's part, is 10 years. I do not have the ability to call my client at the FDC and communicate new offers/conditions to him. I would hate to see a deal fall apart because of one year. And I think it's hugely unfair to punish my client for his lawyer's schedule on Friday.

When I last spoke to my client, I told him to expect transport to Court this afternoon and he is ready to enter the plea today. I'll need a few minutes to go over the final plea agreement with him of course. But, I've essentially cleared my afternoon to get this handled ASAP as resolution is in *all* of our interests. Please work with me here.

Emily

From: Vogel, Sarah (USAWAW) [<mailto:Sarah.Vogel@usdoj.gov>]
Sent: Monday, March 13, 2017 9:39 AM
To: emily@emilygauselaw.com; Colasurdo, Andy (USAWAW)

<Andy.Colasurdo@usdoj.gov>
Subject: RE: Roland Daza-Cortez

As I said on Friday, the agreed ten years was specifically conditioned on entry of the plea on Friday. Now that it is Monday, we had to start over with approval. Tessa approved a deal that allows you to ask for ten years and we may ask for up to eleven years. This deal is specifically conditioned on entry of the plea today (if possible logistically). We can call the Court and the USMS to have Mr. Daza-Cortez transported for a plea this afternoon. I'd prefer to hear from you first, but if we wait until you arrive in Seattle it may be too late.

Please let us know. I will send the plea agreement shortly. Syv

Sarah Y. Vogel
AUSA – WDWA
206-553-2074 – ofc
206-553-4440 – fax

From: emily@emilygauselaw.com [mailto:emily@emilygauselaw.com]
Sent: Monday, March 13, 2017 8:01 AM
To: Vogel, Sarah (USAWAW) <SVogel@usa.doj.gov>; Colasurdo, Andy (USAWAW) <AColasurdo@usa.doj.gov>
Subject: Roland Daza-Cortez

I fly in to Seattle at 11 am. Roland will agree to plea to an agreed 10 years. I have cleared my afternoon calendar if we can get this on today.

Emily M. Gause
Attorney at Law
Gause Law Offices, PLLC
1001 Fourth Avenue, Suite 4400
Seattle, WA 98154
Phone: 206-660-8775
Fax: 206-389-1708

[Website](#) | [LinkedIn](#) | [Avvo](#)
Criminal defense throughout the State of Washington

The information contained in this electronic communication is personal, privileged and/or confidential information intended only for the use of the individual(s) or entity(ies) to which it has been addressed. If you read this communication and are not the intended recipient, you are notified that any dissemination, distribution or copying of this communication, other than delivery to the intended recipient is strictly prohibited. If you have received this communication in error, please notify the sender immediately by reply e-mail. Thank you.

<Daza Plea Agr Draft 9.pdf>